

Message Text

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ORIGIN SCS-03

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTe-00 EB-04 INR-05 NSAE-00 FAA-00 L-02 PA-01 PRS-01

USIA-06 /031 R

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EB/CA/AVP - MR. DUDLEY (DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE

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E.O. 11652: N/A

TAGS: EAIR, CS

SUBJECT: CIVAIR-POSSIBLE PIRATING OF AIRCRAFT (REGISTRY
TI-1079)

REF: SAN JOSE 4087

1. AFTER REVIEW, THE DEPARTMENT BELIEVES SUBJECT CASE TO
BE A TRADE DISPUTE IN WHICH IT HAS NO ROLE. HOWEVER THE
INFORMATION BELOW MAY BE HELPFUL TO THE EMBASSY IN RESPOND-
ING TO THE INQUIRY OF GOCR.

2.D. DELBERT HAUSMAN OF CAPPAERT ENTERPRISES ADVISES
DISPUTE BETWEEN COOPESA AND CAPPAERT OF LONG STANDING.
TAISA AIRLINES (FLAG FREIGHT CARRIER) WITH 60 PERCENT OR SO
COSTA RICAN OWNERSHIP REQUIRED BY LAW, THE REST BY CAPPAERT,
IN BANKRUPTCY BECAUSE SHAKY FINANCIAL SITUATION AGGRAVATED
BY COOPESA'S REFUSAL PAY INSURANCE FOR AN AIRCRAFT LOST IN
HAITI. PART OF THE DOLS 56,667 COOPESA CLAIMS OWED ARE
DEBTS AGAINST CRASHED AIRCRAFT. HAUSMAN MAINTAINS COOPESA
HAS OVERCHARGED OFTEN AND THAT THE NUMBER OF NEW CHARGES
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FOR ALLEGEDLY OLD INDEBTEDNESS IS SUSPECT.

3. BOTH TI-1079 AND THE CRASHED AIRCRAFT, AS WELL AS A THIRD DS-6 CURRENTLY BEING REPAIRED BY COOPESA IN SAN JOSE ARE LEASED FROM AIR SOUTH, A COSTA RICAN COOPERATION ENTIRELY OWNED BY CAPPART. HAUSMAN INSISTS THE LIEN CONTRACTED WITH COOPESA IN TAISA'S NAME WAS ILLEGAL, SINCE PLANE WHOLLY OWNED BY SOUTH AIR.

4. HAUSMAN SAYS HE WILL PAY THE MONIES DUE BECAUSE UNLESS HE DOES THERE IS LITTLE CHANCE AIR SOUTH CAN RECOVER THE DS-6 CURRENTLY IN COSTA RICA. HE IS FEARFUL THAT MORE UNJUST LEVIES WILL BE MADE AGAINST CAPPART, BUT WILL ATTEMPT TO SETTLE THE DISPUTE, SEND REQUIRED PARTS TO REPAIR AIRCRAFT THERE, AND GET THE NECESSARY PAPERS TO RE-REGISTER BOTH PLANES IN US.

5. RE REGISTRATION, ARTICLE 19 OF INTERNATIONAL CONVENTION ON CIVIL AVIATION (CHICAGO, 1944) SPECIFIES THAT REGISTRATION OR TRANSFER OF REGISTRATION OF AIRCRAFT IN ANY CONTRACTING STATE SHALL BE MADE IN ACCORDANCE WITH ITS LAWS. WHETHER OR NOT AIRCRAFT WOULD HAVE TO BE RETURNED TO COSTA RICA FOR DE-REGISTRATION IS DEPENDENT ON COSTA RICAN LAW. FAA REGULATIONS CONCERNING US REGISTRATION OF AIRCRAFT FORMERLY REGISTERED IN FOREIGN COUNTRY REQUIRE SUBMISSION OF EVIDENCE FROM FOREIGN CIVIL AVIATION AUTHORITY CONCERNED THAT FOREIGN REGISTRATION HAS BEEN CANCELLED, BEFORE FAA WILL ISSUE US REGISTRATION FOR AIRCRAFT.

6. FYI: DIRECTOR OF COSTA RICAN CIVIL AVIATION CABLED ATLANTA FAA FIELD OFFICE REQUESTING PLANE BE DETAINED IN VICKSBURG. FAA LOOKING INTO LEGALITY OF ACTION. KISSINGER

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